

Calendar No. 106

98TH CONGRESS
1ST SESSION

S. 66

[Report No. 98-67]

To amend the Communications Act of 1934.

IN THE SENATE OF THE UNITED STATES

JANUARY 26 (legislative day, JANUARY 25), 1983

Mr. BAKER (for Mr. GOLDWATER) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

APRIL 27 (legislative day, APRIL 26), 1983

Reported by Mr. PACKWOOD, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To amend the Communications Act of 1934.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 ~~That (a) this Act may be cited as the "Cable Telecommunica-~~
4 ~~tions Act of 1983".~~

5 The Communications Act of 1934 is amended by insert-
6 ing immediately after title V the following new title:

1 ~~“TITLE VI—CABLE TELECOMMUNICATIONS ACT~~

2 ~~“FINDINGS~~

3 ~~“SEC. 601. The Congress hereby finds that—~~

4 ~~“(1) cable systems are engaged in interstate com-~~
5 ~~merce through the origination, transmission, distribu-~~
6 ~~tion, and dissemination of broadband telecommunica-~~
7 ~~tions services;~~

8 ~~“(2) the provision of cable telecommunications is~~
9 ~~of concern to governmental entities; and~~

10 ~~“(3) a uniform national policy for cable can serve~~
11 ~~to eliminate and prevent conflicting regulations in~~
12 ~~order to allow unhampered growth and development of~~
13 ~~cable as a competitive medium which will be respon-~~
14 ~~sive to and serve the needs and interests of the public.~~

15 ~~“PURPOSES~~

16 ~~“SEC. 602. The purposes of this Act are to—~~

17 ~~“(1) establish a national policy concerning cable~~
18 ~~telecommunications and to encourage a competitive en-~~
19 ~~vironment for the growth and development of cable~~
20 ~~telecommunications;~~

21 ~~“(2) establish guidelines for the exercise of Feder-~~
22 ~~al, State, and local regulatory authority; and~~

23 ~~“(3) allow cable systems to compete in the mar-~~
24 ~~ketplace on an equal basis with other providers of tele-~~
25 ~~communications services to the public.~~

1 “DEFINITIONS

2 “Sec. 603. For purposes of this title, the term—

3 “(1) ‘basic service’ means the provision of retrans-
4 mission of broadcast signals which is distributed by co-
5 axial cable or any other closed transmission medium;

6 “(2) ‘basic telephone service’ means service pro-
7 vided through a switched network capable of providing
8 two-way voice grade communications;

9 “(3) ‘broadband telecommunications’ means any
10 receipt or transmission of electromagnetic signals over
11 coaxial cable or any other closed transmission medium;

12 “(4) ‘broadcasting’ means telecommunications by
13 radio intended to be received by the public, directly or
14 by the intermediary of relay stations;

15 “(5) ‘cable channel’ or ‘channel’ means that por-
16 tion of the electromagnetic frequency spectrum used in
17 a cable system for the propagation of an electromag-
18 netic signal;

19 “(6) ‘cable operator’ or ‘cable system operator’
20 means any person or persons, or an agent or employee
21 thereof, that operates a cable system, or that directly
22 or indirectly owns a significant interest in any cable
23 system, or that otherwise controls or is responsible for,
24 through any arrangement, the management and oper-
25 ation of such a cable system;

1 “(7) ‘cable service’ means the provision by a
2 channel programmer of one-way programing on a per
3 channel, per program, or other basis which is distribut-
4 ed by coaxial cable or any other closed transmission
5 medium, but such term shall not include basic service
6 or public, educational, or governmental service;

7 “(8) ‘cable subscriber’ means any person who re-
8 ceives or transmits electromagnetic signals distributed
9 or disseminated by a cable operator or a channel pro-
10 gramer over a cable system;

11 “(9) ‘cable system’ means a facility or combina-
12 tion of facilities under the ownership or control of any
13 person or persons, which consist of a primary control
14 center used to receive and retransmit, or to originate
15 broadband telecommunications service over one or
16 more coaxial cables, or other closed transmission
17 media, from the primary control center to a point of
18 reception at the premises of a cable subscriber, but
19 such term does not include: (A) a facility or combina-
20 tion of facilities that serves only to retransmit the tele-
21 vision signals of television broadcast stations; (B) a fa-
22 cility or combination of facilities that serves only sub-
23 scribers in one or more multiple unit dwellings under
24 common ownership, control, or management; or (C) a
25 common carrier subject to the provisions of title II of

1 this Act whenever such carrier transmits broadband
2 telecommunications services;

3 “(10) ‘channel programmer’ or ‘programmer’ means
4 any person having an agreement to provide basic serv-
5 ice, public, educational, or governmental service, or
6 cable service to a cable system operator, or any person
7 who leases, rents, or is otherwise authorized to use the
8 facilities of a cable system for the provision of basic
9 service, public, educational, or governmental service,
10 or cable service, and such term shall include a cable
11 system operator to the extent that such operator, or
12 person or persons under common ownership or control
13 with such operator, is engaged in the provision of such
14 service;

15 “(11) ‘closed transmission medium’ or ‘closed
16 transmission media’ means media having the capacity
17 to transmit electromagnetic signals over a common
18 transmission path such as coaxial cable, optical fiber,
19 wire, waveguide, or other such signal conductor or
20 device;

21 “(12) ‘information’ means knowledge or intelli-
22 gence represented by any form of writing, signs, sig-
23 nals, pictures, sounds, or other symbols;

24 “(13) ‘law’ means any regulation, rule, order,
25 standard, policy, requirement, procedure, or restriction;

1 “(14) ‘person’ means an individual, partnership,
2 association, joint stock company, trust, corporation or
3 any governmental authority;

4 “(15) ‘public, educational, or governmental serv-
5 ice’ means the provision by a channel programmer of
6 public, educational, or governmental programming, on a
7 nonecommercial basis, which is distributed by coaxial
8 cable or any other closed transmission medium, but
9 such term shall not include basic service;

10 “(16) ‘telecommunications’ means the transmis-
11 sion of information by electromagnetic means, with or
12 without benefit of any closed transmission medium, in-
13 cluding all instrumentalities, facilities, apparatus, and
14 services (including the collection, storage, forwarding,
15 switching, and delivery of such information) essential
16 to such transmission;

17 “(17) ‘telecommunications service’ means the of-
18 fering of telecommunications facilities, or of telecom-
19 munications by means of such facilities but such term
20 shall not include basic service, public, educational, or
21 governmental service, or cable service; and

22 “(18) ‘United States’ means the several States
23 and territories, the District of Columbia, and the pos-
24 sessions of the United States.

1 ~~“STATEMENT OF AUTHORITY~~

2 ~~“SEC. 604. The provisions of this title shall apply as~~
3 ~~follows:~~

4 ~~“(1) The Commission shall have jurisdiction and~~
5 ~~exercise authority with respect to broadband telecom-~~
6 ~~munications in accordance with the provisions of this~~
7 ~~Act and other applicable provisions of law.~~

8 ~~“(2) Nothing in this Act shall be construed as~~
9 ~~prohibiting any State or political subdivision or agency~~
10 ~~thereof, or franchising authority, from awarding, in ac-~~
11 ~~cordance with the provisions of this Act, cable fran-~~
12 ~~chises within its jurisdiction.~~

13 ~~“OWNERSHIP OR CONTROL OF CABLE SYSTEMS~~

14 ~~“SEC. 605. (a)(1) Except in the case of the antitrust~~
15 ~~laws of the United States and to the extent otherwise pro-~~
16 ~~vided in subsections (b) and (c) of this section, no executive~~
17 ~~agency of the United States, including the Commission, shall~~
18 ~~have the authority to prohibit, directly or indirectly, the own-~~
19 ~~ership of cable systems by any person by reason of that per-~~
20 ~~son's ownership of any other media interests, including~~
21 ~~broadcast, cable, newspaper, programing service, or other~~
22 ~~printed or electronic information service.~~

23 ~~“(2) No State or political subdivision or agency thereof,~~
24 ~~or franchising authority, shall have the authority to prohibit,~~
25 ~~directly or indirectly, the ownership of cable systems by any~~

1 person by reason of that person's ownership of any other
2 media interests, including broadcast, cable, newspaper, pro-
3 graming service, or other printed or electronic information
4 service.

5 “(b)(1) Notwithstanding the provisions of subsection (a)
6 of this section, for the purpose of ensuring fair and equitable
7 treatment of United States cable enterprises seeking access
8 to markets in a foreign country, the Commission shall have
9 authority to conduct inquiries applicable to foreign persons
10 from that country seeking access to domestic markets in the
11 United States in connection with the construction, ownership
12 and operation of cable enterprises as to whether such United
13 States cable enterprises are permitted fair and equitable
14 access to such foreign markets.

15 “(2) The Commission shall submit any information ob-
16 tained through such inquiries to the United States Trade
17 Representative to assist the Trade Representative in his
18 identification and analysis of acts, policies or practices which
19 constitute significant barriers to, or distortions of, United
20 States exports of services.

21 “(3) For purposes of this subsection, the term ‘foreign
22 persons’ includes any individual who is not a citizen of the
23 United States, any subsidiary (although established under the
24 laws of the United States or any State thereof) of a corpora-
25 tion or other business entity which was established under the

1 laws of a foreign country, any corporation or other business
2 entity established under the laws of a foreign country, or any
3 corporation or other business entity established under the
4 laws of the United States or any State thereof, if 25 percent
5 or more of the capital stock or equivalent ownership is owned
6 or controlled by an individual who is not a citizen of the
7 United States or by a corporation or other business entity
8 established under the laws of a foreign country, or any sub-
9 sidiary of a corporation or other business entity established
10 under the laws of a foreign country.

11 “(c) Notwithstanding the provisions of subsection (a) of
12 this section, a State or political subdivision or agency thereof,
13 or franchising authority, may not acquire an ownership inter-
14 est in any cable system, unless such State, subdivision,
15 agency, or authority acquires such ownership or interest at
16 not less than fair market value based upon the ongoing busi-
17 ness value of the system, including goodwill. In any case in
18 which any such State, subdivision, agency, or authority has
19 or acquires any such ownership or interest, such State, subdi-
20 vision, agency, or authority shall, in no case, own or control,
21 directly or indirectly, the content of any of the programing on
22 such cable system except as provided in subsections (b) and
23 (c) of section 606.

1 ~~“ACCESS CHANNELS~~

2 ~~“SEC. 606. (a) Each cable system having 20 or more~~
3 ~~television broadcast channels (120 MHz or more of band-~~
4 ~~width) shall dedicate or set aside access channels for use by~~
5 ~~public, educational, or governmental programmers in accord-~~
6 ~~ance with subsection (b) of this section.~~

7 ~~“(b) Any cable system operator subject to subsection (a)~~
8 ~~of this section, shall dedicate or set aside for access, from~~
9 ~~available channels, 10 percent of such available channels for~~
10 ~~use by public, educational, or governmental channel pro-~~
11 ~~gramers.~~

12 ~~“(c) For purposes of this section, the term ‘available~~
13 ~~channels’ means channels actually and technically available~~
14 ~~for use by the cable operator and not subject to other use~~
15 ~~requirements imposed by the Commission.~~

16 ~~“(d)(1) The obligation to provide access channels im-~~
17 ~~posed under this section shall cease upon determination by~~
18 ~~the Commission that there are reasonably available alterna-~~
19 ~~tives for persons desiring to provide public, educational, or~~
20 ~~governmental programming service to the public in a particular~~
21 ~~geographic area or market.~~

22 ~~“(2) In determining whether there are reasonably avail-~~
23 ~~able alternatives in the relevant area or market, the Commis-~~
24 ~~sion shall consider—~~

1 “(A) the number and size of other providers of
2 such programing service;

3 “(B) the extent to which such programing service
4 is available from other providers;

5 “(C) the ability of such other providers to make
6 such programing service readily available at compara-
7 ble rates, terms, and conditions; and

8 “(D) other indicators of the extent of competition.

9 “(e)(1) The franchisor is authorized to establish rules
10 and procedures for the use of the channels set aside or dedi-
11 cated pursuant to subsection (b) of this section.

12 “(2) Notwithstanding the provisions of paragraph (1) of
13 this subsection, until such time as there is demand for each
14 channel full time for its designated use, public, educational,
15 or governmental programing may be combined by the cable
16 system operator on one or more channels, and to the extent
17 time is available on such channels, they may be used by the
18 cable system operator for the provision of other services.

19 “(f) Nothing in this section shall be construed as prohib-
20 iting a cable system operator from making available, in his
21 sole discretion, additional channels to public, educational, or
22 governmental programers.

23 “(g)(1) In any case in which a cable franchise was
24 awarded pursuant to a franchise agreement prior to January
25 26, 1983, by any State or political subdivision or agency

1 thereof, or franchising authority, and that agreement provides
2 for a percent of channels for use by public, educational, or
3 governmental channel programmers to be dedicated or set
4 aside for access which is in excess of the 10 percent required
5 under subsection (b) of this section; nothing in the provisions
6 of subsections (a) and (b) of this section shall be construed as
7 requiring the modification of such franchise agreement in
8 order to bring such agreement into conformity with such sub-
9 sections. Except as otherwise provided in accordance with
10 subsection (d) of this section, in no case shall any such agree-
11 ment be modified, on or after the effective date of this title,
12 so as to provide for the dedication or set aside for access of
13 such channels at a percent less than that provided for in sub-
14 section (b) of this section or greater than that provided for in
15 such agreement as of the effective date of this title.

16 “(2) If the term of any franchise agreement referred to
17 in paragraph (1) of this subsection is renewed or otherwise
18 extended on or after the effective date of this title, the provi-
19 sions of subsections (a) and (b) of this section shall be applica-
20 ble to such franchise agreement.

21 “REGULATION OF RATES AND SERVICES

22 “SEC. 607. (a)(1) Each State or political subdivision or
23 agency thereof, or franchising authority, is authorized to es-
24 tablish, fix, or otherwise restrict the rates charged by cable
25 operators for the use of channels for the provision of basic

1 service, and public, educational, or governmental service, and
2 charged to subscribers by cable operators for such basic serv-
3 ice, and such public, educational, or governmental service.

4 “(2) The authority to establish, fix, or otherwise restrict
5 the rates charged to subscribers for the provision of basic
6 service set forth in subsection (a) of this section shall cease
7 upon determination by the Commission that there are reason-
8 ably available alternatives to basic service programming in the
9 particular geographic area or market.

10 “(3) In determining whether there are reasonably avail-
11 able alternatives in the relevant area or market, the Commis-
12 sion shall consider—

13 “(A) the number and size of other providers of
14 such programming service;

15 “(B) the extent to which such programming service
16 is available from other providers;

17 “(C) the ability of such other providers to make
18 such programming service readily available at compara-
19 ble rates, terms, and conditions; and

20 “(D) other indicators of the extent of competition.

21 “(b) No executive agency of the United States, including
22 the Commission, and no State or political subdivision or
23 agency thereof, or franchising authority, shall have authority
24 to regulate or restrict the provision of or nature of cable serv-
25 ices offered over a cable system.

1 “(c) No executive agency of the United States, including
2 the Commission, and no State or political subdivision or
3 agency thereof, or franchising authority, shall have authority
4 to regulate or restrict the provision of or nature of telecom-
5 munications facilities offered by or telecommunications serv-
6 ices offered over a cable system, except with respect to the
7 provision of basic telephone service.

8 “FRANCHISE FEES

9 “SEC. 608. (a) The Commission shall establish a rea-
10 sonable ceiling for the fees to be paid to a State or political
11 subdivision or agency thereof, or franchising authority, by op-
12 erators of cable systems receiving franchises from such State,
13 subdivision, agency, or authority and, periodically upon its
14 own motion or upon petition, may review the appropriateness
15 of such ceiling and make adjustments thereto. The Commis-
16 sion shall establish such ceiling so as to permit only the re-
17 covery by such State, subdivision, agency, or authority of the
18 reasonable cost of regulation of such cable system.

19 “(b) The Commission may waive the franchise fee ceil-
20 ing established in subsection (a) if, upon a reasonable show-
21 ing, the franchisor can demonstrate that the reasonable cost
22 of regulation exceeds such ceiling and that such waiver will
23 not interfere with the effectuation of Federal goals and poli-
24 cies established pursuant to this title.

1 “(e) The Commission shall prescribe procedures neces-
2 sary to carry out the provisions of this section within the
3 180-day period following the effective date of its enactment.

4 “RENEWALS AND EXTENSIONS

5 “~~SEC. 609.~~ (a) In any case in which a cable system
6 operator submits an application to the franchisor for the re-
7 newal or other extension of such operator's franchise authori-
8 zation, the franchisor shall grant such renewal or other ex-
9 tension if it finds that—

10 “(1) the cable system operator has substantially
11 complied with the material terms of such franchise and
12 with applicable law;

13 “(2) there has been no material change in the
14 legal, technical, or financial qualifications of the cable
15 system operator that would substantially impair the
16 continued provision of service by such operator; and

17 “(3) the services and facilities to be provided by
18 such operator are reasonable in light of the size,
19 nature, needs, and interests of the community to be
20 served, the age and status of the existing system, the
21 current availability of facilities and services in commu-
22 nities of comparable size and characteristics, and the
23 costs of construction and operation of cable facilities.

24 “(b) Nothing in this Act shall be construed as prohibit-
25 ing the filing of competing applications for cable franchises,

1 or as prohibiting the award of multiple cable franchises by a
2 State or political subdivision or agency thereof, or franchising
3 authority.

4 “PROTECTION OF SUBSCRIBER PRIVACY

5 “SEC. 610. (a) No person or governmental authority
6 shall intercept or receive broadband telecommunications
7 unless specifically authorized to do so by a cable system op-
8 erator, channel programmer, or originator of broadband tele-
9 communications or as may otherwise be specifically author-
10 ized by Federal law.

11 “(b) In order to safeguard the right to privacy and secu-
12 rity of broadband telecommunications, such broadband tele-
13 communications shall be deemed to be a ‘wire communica-
14 tion’ within the meaning of section 2510(1) of title 18 of the
15 United States Code.

16 “(c) In the event that there may be any difference be-
17 tween the provisions of this section and chapter 119 of title
18 18 of the United States Code, or any regulations promulgat-
19 ed thereunder, it is the intent of the Congress that such chap-
20 ter 119 shall be controlling.

21 “(d)(1) Except as provided in paragraph (2) of this sub-
22 section, no cable operator, channel programmer, or originator
23 of broadband telecommunications may use the cable system
24 to collect personally identifiable information with respect to a

1 cable subscriber, except upon the prior written consent of
2 that subscriber.

3 “(2) The provisions of paragraph (1) of this subsection
4 shall not apply to the collection of information solely for bill-
5 ing purposes or to monitor whether there is unauthorized re-
6 ception of cable telecommunications.

7 “(3) A cable operator, channel programmer, or originator
8 of broadband telecommunications shall ensure that any such
9 information is destroyed when the information is no longer
10 used or to be used for the purposes for which it was collected.

11 “(e) No cable operator, channel programmer, or originator
12 of broadband telecommunications shall disclose personally
13 identifiable information obtained pursuant to subsection (d) of
14 this section with respect to a cable subscriber, or personally
15 identifiable information with respect to the services provided
16 to or received by a particular cable subscriber by way of a
17 cable system, except upon the prior written consent of the
18 subscriber, or pursuant to a lawful court order authorizing
19 such disclosure.

20 “(f) If a court shall authorize or order disclosure, the
21 cable subscriber shall be notified of such order by the person
22 to whom such order may be directed, within a reasonable
23 period of time before the disclosure is made, but in no event
24 less than 14 calendar days.

1 “(g) Each cable operator shall, at the time of entering
2 into an agreement to provide cable telecommunications, and
3 regularly thereafter, inform every subscriber of the rights of
4 the subscriber under this section. Such information shall in-
5 clude a description of the nature of the information to be
6 maintained by the cable operator, channel programmer, or
7 originator of broadband telecommunications, and the location
8 and availability of such information.

9 “(h) A cable subscriber shall have access to all personal-
10 ly identifiable information regarding that subscriber which is
11 collected and maintained by a cable operator, channel pro-
12 grammer, or originator of broadband telecommunications. Such
13 information shall be available to the subscriber at reasonable
14 times and at a place designated by the cable operator, chan-
15 nel programmer, or originator of broadband telecommunica-
16 tions.

17 “(i) Any cable subscriber whose privacy is violated in
18 contravention of this section, shall be entitled to recover civil
19 damages as authorized and in the manner set forth in section
20 2520 of title 18 of the United States Code. This remedy shall
21 be in addition to any other remedy available to such
22 subscriber.

23 “CRIMINAL AND CIVIL LIABILITY

24 “SEC. 611. Nothing in this title shall be deemed to
25 affect the criminal or civil liability of channel programmers pur-

1 suant to the law of libel, slander, obscenity, incitement, inva-
2 sions of privacy, false or misleading advertising, or other sim-
3 ilar laws, except that cable operators shall not incur such
4 liability for any program carried on any public, educational,
5 or governmental channel referred to in subsection (b) of sec-
6 tion 606, or for any program required by law to be carried on
7 any other channel.”.

8 **EXCLUSIVE JURISDICTION**

9 **SEC. 2. (a)** Except to the extent otherwise specifically
10 provided in title VI of the Communications Act of 1934, as
11 added by the first section of this Act, the Federal Govern-
12 ment shall have exclusive jurisdiction over broadband tele-
13 communications regarding matters covered by or otherwise
14 within the purview of such title.

15 **(b)** Any law of any State or political subdivision or
16 agency thereof, or franchising authority, in effect on the ef-
17 fective date of title VI of the Communications Act of 1934,
18 as added by the first section of this Act, which is in conflict
19 with the provision of subsection (a) of this section relating to
20 the exclusive jurisdiction of the Federal Government, shall be
21 deemed superseded, as of the effective date of such title, and
22 shall thereafter be null and void and of no effect.

1 NEW AND ADDITIONAL SERVICES

2 SEC. 3. Title I of the Communications Act of 1934 is
3 amended by inserting after section 6 the following new sec-
4 tion:

5 “NEW AND ADDITIONAL SERVICES

6 “SEC. 7. (a) Consistent with sound spectrum manage-
7 ment, the Commission shall, to the maximum feasible extent,
8 encourage the introduction of new and additional services by
9 new applicants, existing licensees, or other persons. In any
10 proceeding in which new or additional services are proposed,
11 such services shall be presumed to be in the public interest
12 whenever the Commission finds that such services are techni-
13 cally feasible without causing significant technical degrada-
14 tion to or interference with radio transmissions by other
15 licensees.

16 “(b) Any person may file with the Commission a petition
17 to establish or an application to offer a new or additional
18 service.

19 “(c) The Commission must determine whether the new
20 or additional service proposed in a petition or application is in
21 the public interest within 180 days after such petition or ap-
22 plication is filed. If the Commission initiates its own proceed-
23 ing for a new or additional service, such proceeding must be
24 completed within 180 days after it is initiated.”.

1

2

10

11

15

17

19

20

21

22

23

1 *tion, and dissemination of broadband telecommunica-*
2 *tions services;*

3 *“(2) the provision of broadband telecommunica-*
4 *tions is of concern to governmental entities; and*

5 *“(3) a uniform national policy for broadband tele-*
6 *communications can serve to eliminate and prevent*
7 *conflicting and counterproductive regulations in order*
8 *to allow unhampered growth and development of cable*
9 *as a competitive medium which will be responsive to*
10 *and serve the needs and interests of the public.*

11 *“PURPOSES*

12 *“SEC. 602. The purposes of this title are to—*

13 *“(1) establish a national policy concerning broad-*
14 *band telecommunications and to encourage a competi-*
15 *tive environment for the growth and development of*
16 *broadband telecommunications;*

17 *“(2) establish guidelines for the exercise of Feder-*
18 *al, State, and local regulatory authority;*

19 *“(3) allow cable systems to be responsive to the*
20 *needs and interests of the public on an equal basis*
21 *without a competitive disadvantage with other providers*
22 *of telecommunications services; and*

23 *“(4) eliminate government regulation in order to*
24 *prevent the imposition of an unnecessary economic*

1 *burden on cable systems in their provision of service to*
2 *the public.*

3 *“DEFINITIONS*

4 *“SEC. 603. For purposes of this title, the term—*

5 *“(1) ‘basic service’ means the lowest cost tier,*
6 *other than a tier offered at a discounted fee, of service*
7 *which is available to subscribers for a fee and which*
8 *includes the provision of retransmission of local broad-*
9 *cast signals, public, educational, and governmental*
10 *programing and any other programing service as of-*
11 *fered by a cable operator as part of the tier, and speci-*
12 *fied in the franchise agreement as part of basic service,*
13 *which is distributed by coaxial cable or any other*
14 *closed transmission medium;*

15 *“(2) ‘basic telephone service’ means telecommuni-*
16 *cations service provided through a switched network ca-*
17 *pable of providing two-way voice grade communica-*
18 *tions that would be subject to regulation by the Com-*
19 *mission or any State if offered by a common carrier*
20 *subject, in whole or in part, to title II of this Act;*

21 *“(3) ‘broadband telecommunications’ means any*
22 *receipt or transmission of electromagnetic signals, in-*
23 *cluding basic service, cable service, and telecommunica-*
24 *tions service, over coaxial cable or any other closed*
25 *transmission medium;*

1 “(4) ‘broadcasting’ means telecommunications by
2 radio intended to be received by the public, directly or
3 by the intermediary of relay stations;

4 “(5) ‘cable channel’ or ‘channel’ means that por-
5 tion of the electromagnetic frequency spectrum used in
6 a cable system for the propagation of an electromagnet-
7 ic signal;

8 “(6) ‘cable operator’ or ‘cable system operator’
9 means any person or persons, or an agent or employee
10 thereof, that provides basic service, cable service, or
11 telecommunications service over a cable system, or that
12 directly or indirectly owns a significant interest in any
13 cable system, or that otherwise controls or is responsi-
14 ble for, through any arrangement, the management and
15 operation of such a cable system;

16 “(7) ‘cable service’ means the provision by a
17 channel programmer of one-way programing on a per
18 channel, per program, or other basis which is distribut-
19 ed by coaxial cable or any other closed transmission
20 medium, but such term shall not include basic service;

21 “(8) ‘cable subscriber’ means any person who re-
22 ceives or transmits electromagnetic signals distributed
23 over a cable system;

24 “(9) ‘cable system’ means a facility or combina-
25 tion of facilities under the ownership or control of any

1 *person or persons, which consist of a primary control*
2 *center used to receive and retransmit, or to originate*
3 *broadband telecommunications service over one or more*
4 *coaxial cables, or other closed transmission media,*
5 *from the primary control center to a point of reception*
6 *at the premises of a cable subscriber, but such term*
7 *does not include: (A) a facility or combination of facil-*
8 *ities that serves only to retransmit the television sig-*
9 *nals of television broadcast stations; (B) a facility or*
10 *combination of facilities that serves only subscribers in*
11 *one or more multiple unit dwellings under common*
12 *ownership, control, or management; or (C) a common*
13 *carrier subject to the provisions of title II of this Act*
14 *whenever such carrier transmits broadband telecommu-*
15 *nications services other than basic service or cable serv-*
16 *ice;*

17 *“(10) ‘channel programmer’ or ‘programmer’ means*
18 *any person having an agreement to provide basic serv-*
19 *ice or cable service to a cable system operator, or any*
20 *person who leases, rents, or is otherwise authorized to*
21 *use the facilities of a cable system for the provision of*
22 *basic service or cable service, and such term shall in-*
23 *clude a cable system operator to the extent that such*
24 *operator, or person or persons under common owner-*

1 “(2) *Nothing in this title shall be construed as*
2 *prohibiting any State or political subdivision or*
3 *agency thereof, or franchising authority, from award-*
4 *ing, in accordance with the provisions of this title, one*
5 *or more cable franchises within its jurisdiction.*

6 “(3)(A) *Except to the extent provided in para-*
7 *graph (B), no cable system shall provide basic service*
8 *or cable service without a cable franchise in compliance*
9 *with this title.*

10 “(B) *The provision of paragraph (A) shall not be*
11 *applicable in the case of any cable system in operation*
12 *on April 21, 1983.*

13 “OWNERSHIP OR CONTROL OF CABLE SYSTEMS

14 “SEC. 605. (a) *No State or political subdivision or*
15 *agency thereof, or franchising authority, shall have the au-*
16 *thority to prohibit, directly or indirectly, the ownership of*
17 *cable systems by any person by reason of that person's own-*
18 *ership of any other media or other interests, including broad-*
19 *cast, cable, newspaper, programing service, or other printed*
20 *or electronic information service.*

21 “(b)(1) *Notwithstanding the provisions of subsection (a)*
22 *of this section, for the purpose of ensuring fair and equitable*
23 *treatment of United States cable enterprises seeking access to*
24 *markets in a foreign country, the Commission shall have au-*
25 *thority to conduct inquiries applicable to foreign persons from*

1 *that country seeking access to domestic markets in the United*
2 *States in connection with the construction, ownership and*
3 *operation of cable enterprises as to whether such United*
4 *States cable enterprises are permitted fair and equitable*
5 *access to such foreign markets.*

6 “(2) *The Commission shall submit any information ob-*
7 *tained through such inquiries to the United States Trade*
8 *Representative to assist the Trade Representative in his iden-*
9 *tification and analysis of acts, policies or practices which*
10 *constitute significant barriers to, or distortions of, United*
11 *States exports of services.*

12 “(3) *For purposes of this subsection, the term ‘foreign*
13 *persons’ includes any individual who is not a citizen of the*
14 *United States, any subsidiary (although established under*
15 *the laws of the United States or any State thereof) of a cor-*
16 *poration or other business entity which was established under*
17 *the laws of a foreign country, any corporation or other busi-*
18 *ness entity established under the laws of a foreign country, or*
19 *any corporation or other business entity established under the*
20 *laws of the United States or any State thereof, if 25 percent*
21 *or more of the capital stock or equivalent ownership is owned*
22 *or controlled by an individual who is not a citizen of the*
23 *United States or by a corporation or other business entity*
24 *established under the laws of a foreign country, or any sub-*

1 *sidiary of a corporation or other business entity established*
2 *under the laws of a foreign country.*

3 “(c)(1) *Notwithstanding the provisions of subsection (a)*
4 *of this section, a State or political subdivision or agency*
5 *thereof, or franchising authority, may not acquire an owner-*
6 *ship interest in any cable system pursuant to a buy-back*
7 *provision of a franchise or require a sale of a cable system to*
8 *any other person pursuant to a franchise, upon the expiration*
9 *of the franchise, unless such State, subdivision, agency, au-*
10 *thority, or person acquires such ownership or interest at not*
11 *less than fair market value based upon the ongoing business*
12 *value of the system. In the event that the cable operator and a*
13 *State or political subdivision or agency thereof, or franchis-*
14 *ing authority, are unable to agree upon any such fair market*
15 *value, then the matter of determining fair market value shall*
16 *be submitted to binding arbitration. For purposes of arbitra-*
17 *tion, each of the affected parties shall select one arbitrator*
18 *and the two arbitrators so selected shall choose a third arbi-*
19 *trator.*

20 “(2) *Notwithstanding the provisions of paragraph (1) of*
21 *this subsection, in the event of termination for cause of a*
22 *franchise due to a material breach, a State or political subdi-*
23 *vision or agency thereof, or franchising authority, may ac-*
24 *quire an ownership interest in such cable system but only*
25 *upon written notice of the breach, reasonable opportunity to*

1 *remedy the breach, and other due process. Any such termina-*
2 *tion shall be subject to de novo review by a court of competent*
3 *jurisdiction.*

4 “(d) *In any case in which any such State, subdivision,*
5 *agency, or authority has or acquires any such ownership or*
6 *interest, such State, subdivision, agency, or authority shall,*
7 *in no case, own or control, directly or indirectly, the content*
8 *of any of the programing on such cable system, except for*
9 *programing on government access channels, unless such*
10 *State or political subdivision or agency thereof, or franchis-*
11 *ing authority, establishes an independent board or a separate*
12 *management company. Such board or company shall not in-*
13 *clude any State or local office holder.*

14 “ACCESS CHANNELS

15 “SEC. 606. (a) *A cable system operator may offer in a*
16 *franchise to dedicate or set aside channels for public, educa-*
17 *tional, governmental or other channel users.*

18 “(b) *The franchising authority and the cable operator*
19 *may establish rules and procedures for the use of the chan-*
20 *nels set aside or dedicated pursuant to this section.*

21 “(c) *Until such time as there is demand for each chan-*
22 *nel full time for its designated use, public, educational, gov-*
23 *ernmental, or other channel programing may be combined by*
24 *the cable system operator on one or more channels, and to the*
25 *extent time is available on such channels, they may be used*

1 *by the cable system operator for the provision of other*
2 *services.*

3 *“REGULATION OF RATES AND SERVICES*

4 *“SEC. 607. (a) Nothing in this title shall be construed*
5 *as prohibiting any State or political subdivision or agency*
6 *thereof, or franchising authority, from establishing, fixing, or*
7 *otherwise restricting the rates charged by cable operators—*

8 *“(1) to subscribers for the receipt of basic service,*

9 *“(2) to subscribers for equipment necessary for*
10 *the receipt of basic service, and*

11 *“(3) to subscribers for equipment which facilitates*
12 *the reception of basic service by hearing impaired indi-*
13 *viduals.*

14 *“(b)(1) Any rate regulated pursuant to this section may*
15 *be increased annually at the discretion of the cable operator*
16 *by an amount not to exceed 5 percent of the existing rate or*
17 *the regional consumer price index for the preceeding 12*
18 *months, whichever is greater, upon 30 days prior notice. The*
19 *ability to affect such increases shall be cumulative for not*
20 *more than 3 successive years.*

21 *“(2) Notwithstanding the provisions of paragraph (1) of*
22 *this subsection, nothing in this title shall be construed as*
23 *prohibiting any State or political subdivision or agency*
24 *thereof, or franchising authority, from providing that such*
25 *automatic increases shall not apply to a franchise which is in*

1 *existence on the date of the enactment of the Cable Telecom-*
2 *munications Act of 1983 and which provides for a fixed rate*
3 *for basic service over a specified period.*

4 “(c) Notwithstanding the provisions of subsections (a)
5 and (b) of this section, a cable system operator may automati-
6 cally increase basic service rates which exceed the basic rates
7 allowed pursuant to subsection (a) or (b) of this section if—

8 “(1) such operator has requested the increase in
9 rates; and

10 “(2) the request is not acted on within 90 days
11 following the date of its receipt.

12 “(d)(1) Notwithstanding the provisions of subsection (a)
13 of this section, the authority to establish, fix, or otherwise
14 restrict the rates charged to subscribers for the provision of
15 basic services set forth in subsection (a) of this section, except
16 to the extent otherwise provided in paragraph (2) of this sub-
17 section, shall not be applicable in any case where the cable
18 system is located within the grade B contour of not less than
19 four television signals of which there shall be one affiliate of
20 each of the three major television networks.

21 “(2) The provisions of paragraph (1) of this subsection
22 shall not be applicable in the case of any franchise in exist-
23 ence prior to the date of the enactment of the Cable Telecom-
24 munications Act of 1983, if the rates charged to subscribers
25 for the provision of basic services are subject to regulation or

1 *are restricted by any State or political subdivision or agency*
2 *thereof, or any franchising authority. The provisions of this*
3 *paragraph relating to existing rate regulation of basic service*
4 *shall be applicable for a period of 5 years following the date*
5 *of the enactment of such Act, or for a period equal to one-half*
6 *of the period of the remaining term of such franchise, as of*
7 *the date of the enactment of such Act, whichever is greater.*
8 *The provisions of paragraph (1) shall be applicable to any*
9 *renewal or other extension of any such franchise.*

10 “(e) *No executive agency of the United States, includ-*
11 *ing the Commission, and no State or political subdivision or*
12 *agency thereof, or franchising authority, shall have authority*
13 *to regulate or restrict the rates for reconnection, additional*
14 *sets to the same subscriber, or sales of equipment.*

15 “(f) *No executive agency of the United States, includ-*
16 *ing the Commission, and no State or political subdivision or*
17 *agency thereof, or franchising authority, shall have authority*
18 *to regulate or restrict the provision of or nature of cable serv-*
19 *ices offered over a cable system except as provided in section*
20 *613 of this Act.*

21 “(g) *No executive agency of the United States, includ-*
22 *ing the Commission, and no State or political subdivision or*
23 *agency thereof, or franchising authority, shall have authority*
24 *to regulate or restrict the provision of or nature of telecommu-*
25 *nications services offered over a cable system, except with*

1 *respect to the provision of basic telephone service, and except*
2 *as provided in section 613 of this Act.*

3 *“(h) Nothing in this Act shall be construed as prohibit-*
4 *ing a franchising authority and a cable operator from speci-*
5 *fying, in a franchise agreement or renewal thereof, that cer-*
6 *tain cable services shall not be provided or shall be provided*
7 *subject to conditions, if such cable services are obscene or are*
8 *otherwise unprotected by the United States Constitution.*

9 *“FRANCHISE FEES*

10 *“SEC. 608. (a) Cable operators may be required in a*
11 *franchise to pay to a State or political subdivision or agency*
12 *thereof, or franchising authority, a franchise fee.*

13 *“(b)(1) No franchise fee paid by a cable system operator*
14 *for the privilege of holding a franchise, shall exceed an*
15 *annual aggregate of 5 percent of such cable operator’s gross*
16 *revenues derived from the operation of the cable system which*
17 *is the subject of the franchise.*

18 *“(2) Nothing in this section shall be construed as limit-*
19 *ing fees required by a franchise in effect on the date of enact-*
20 *ment of the Cable Telecommunications Act of 1983 to be paid*
21 *directly or indirectly to entities established for the purpose of*
22 *facilitating the use of channels set aside for public, educa-*
23 *tional, or governmental use.*

24 *“(c) Any cable system operator may pass the cost of any*
25 *increase in a franchise fee through to subscribers, and may*

1 *designate the total franchise fee as a separate item on the*
2 *subscribers' bills.*

3 *“(d) For the purposes of this section—*

4 *“(1) ‘franchise fee’ shall include any tax, fee or*
5 *assessment of any kind imposed by a franchising au-*
6 *thority or governmental authority on a cable system op-*
7 *erator or cable subscriber because of their status as*
8 *such; and*

9 *“(2) ‘assessment’ shall not include bonds, security*
10 *funds, letters of credit, insurance, indemnification,*
11 *penalties, liquidated damages or similar requirements*
12 *which are incidental to the enforcement of the franchis-*
13 *ing agreement.*

14 *“(e) Nothing in this section shall be deemed to require a*
15 *cable operator to renegotiate the provisions of an existing*
16 *franchise.*

17 *“RENEWALS AND EXTENSIONS*

18 *“SEC. 609. (a) In any case in which a cable system*
19 *operator submits an application to the franchising authority*
20 *for the renewal or other extension of such operator's franchise*
21 *authorization, the franchising authority shall grant such re-*
22 *newal or other extension unless it finds that—*

23 *“(1) the cable system operator has not substantial-*
24 *ly complied with the material terms of such franchise*

1 *and with applicable law, or has been convicted of a*
2 *felony;*

3 “(2) *there has been a material change in the legal,*
4 *technical, or financial qualifications of the cable*
5 *system operator that would substantially impair the*
6 *continued provision of service by such operator;*

7 “(3) *the facilities to be provided by such operator,*
8 *including facilities for governmental access, are unrea-*
9 *sonable in light of the community need for and cost of*
10 *such facilities;*

11 “(4) *the signal delivered by the cable system*
12 *within the control of the cable system operator, has not*
13 *generally met technical standards as established by the*
14 *Commission; or*

15 “(5) *the proposals contained in the renewal appli-*
16 *cation are otherwise unreasonable.*

17 “(b) *A cable system operator must file for renewal at*
18 *least 24 months before the expiration of the franchise. The*
19 *franchising authority—*

20 “(1) *must consider the renewal within 90 days of*
21 *submission of the application and conduct any proceed-*
22 *ings necessary to adequately consider the application;*
23 *and*

1 “(2) may not request, accept, or consider any
2 other franchise application until the incumbent
3 franchisee application is denied or approved.

4 “(c) A cable system operator with a franchise which
5 shall expire within 24 months after the date of enactment of
6 the Cable Telecommunications Act of 1983, shall be in com-
7 pliance with subsection (b) if he files an application for re-
8 newal within 60 days after such date of enactment.

9 “(d) The franchising authority shall—

10 “(1) negotiate in good faith with any cable system
11 operator regarding franchise renewal within 30 days
12 after the completion of proceedings pursuant to subsec-
13 tion (b); and

14 “(2) make a final decision on granting or denying
15 renewal within 12 months after receipt of an applica-
16 tion;

17 “(3) in the case of denial of an application—

18 “(A) not make the final decision for at least
19 7 months from the date of receipt of the applica-
20 tion; and

21 “(B) notify the applicant by written state-
22 ment, within 7 days after the final decision, of the
23 reasons for the denial.

24 “(e) Any renewal applicant adversely affected or ag-
25 grieved by a final decision of a franchising authority made

1 *pursuant to subsection (d), or by a failure of the franchising*
2 *authority to act in accordance with subsection (d), may*
3 *obtain a de novo review of such final decision in any court of*
4 *competent jurisdiction. The existing franchise shall remain*
5 *in effect pending the completion of such judicial review.*

6 *“UNAUTHORIZED INTERCEPTION OR RECEPTION*

7 *“SEC. 610. (a) No person or government authority shall*
8 *intercept or receive broadband telecommunications unless*
9 *specifically authorized to do so by a cable system operator,*
10 *channel programmer, or originator of broadband telecommuni-*
11 *cations or as may otherwise be specifically authorized by*
12 *Federal law.*

13 *“(b) In order to safeguard the right to privacy and secu-*
14 *rity of broadband telecommunications, such broadband tele-*
15 *communications shall be deemed to be a ‘wire communica-*
16 *tion’ within the meaning of section 2510(1) of title 18 of the*
17 *United States Code.*

18 *“(c) In the event that there may be any difference be-*
19 *tween the provisions of this section and chapter 119 of title*
20 *18 of the United States Code, or any regulations promulgat-*
21 *ed thereunder, it is the intent of the Congress that such chap-*
22 *ter 119 shall be controlling.*

23 *“PROTECTION OF SUBSCRIBER PRIVACY*

24 *“SEC. 611. (a)(1) Except as provided in paragraph (2)*
25 *of this subsection, no cable operator, channel programmer, or*

1 *originator of broadband telecommunications may use the*
2 *cable system to collect personally identifiable information*
3 *with respect to a cable subscriber, except upon the prior writ-*
4 *ten or electronic consent of that subscriber.*

5 “(2) *The provisions of paragraph (1) of this subsection*
6 *shall not apply to the collection of information solely for bill-*
7 *ing purposes or to monitor whether there is unauthorized re-*
8 *ception of cable telecommunications.*

9 “(3) *A cable operator, channel programmer, or originator*
10 *of broadband telecommunications shall ensure that any such*
11 *information is destroyed when the information is no longer*
12 *used or to be used for the purposes for which it was collected.*

13 “(b) *No cable operator, channel programmer, or originator*
14 *of broadband telecommunications shall disclose personally*
15 *identifiable information obtained pursuant to subsection (a)*
16 *of this section with respect to a cable subscriber, or personally*
17 *identifiable information with respect to the services provided*
18 *to or received by a particular cable subscriber by way of a*
19 *cable system, except upon the prior written or electronic con-*
20 *sent of the subscriber, or pursuant to a lawful court order*
21 *authorizing such disclosure.*

22 “(c) *If a court shall authorize or order disclosure, the*
23 *cable subscriber shall be notified of such order by the person*
24 *to whom such order may be directed, within a reasonable*

1 *period of time before the disclosure is made, but in no event*
2 *less than 14 calendar days.*

3 “(d) *Each cable operator shall, at the time of entering*
4 *into an agreement to provide cable telecommunications, and*
5 *regularly thereafter, inform every subscriber of the rights of*
6 *the subscriber under this section. Such information shall in-*
7 *clude a description of the nature of the information to be*
8 *maintained by the cable operator, channel programmer, or*
9 *originator of broadband telecommunications, and the location*
10 *and availability of such information.*

11 “(e) *A cable subscriber shall have access to all personal-*
12 *ly identifiable information regarding that subscriber which is*
13 *collected and maintained by a cable operator, channel pro-*
14 *grammer, or originator of broadband telecommunications. Such*
15 *information shall be available to the subscriber at reasonable*
16 *times and at a place designated by the cable operator, channel*
17 *programmer, or originator of broadband telecommunications.*

18 “(f) *Any cable subscriber whose privacy is violated in*
19 *contravention of this section, shall be entitled to recover civil*
20 *damages as authorized and in the manner set forth in section*
21 *2520 of title 18 of the United States Code. This remedy shall*
22 *be in addition to any other remedy available to such*
23 *subscriber.*

1 “*CRIMINAL AND CIVIL LIABILITY*

2 “*SEC. 612. Nothing in this title shall be deemed to*
3 *affect the criminal or civil liability of channel programmers or*
4 *cable operators pursuant to the law of libel, slander, obscen-*
5 *ity, incitement, invasions of privacy, false or misleading ad-*
6 *vertising, or other similar laws, except that cable operators*
7 *shall not incur such liability for any program carried on any*
8 *public, educational, governmental, or other channel referred*
9 *to in subsection (a) of section 606, or for any program re-*
10 *quired by law to be carried on any other channel.*

11 “*PROGRAMING, SERVICES, AND FACILITIES*

12 “*SEC. 613. (a) No State or political subdivision or*
13 *agency thereof, or franchising authority, may require the pro-*
14 *vision of particular programing or other broadband services,*
15 *or facilities, equipment, services, or other items of value*
16 *which are not related to the provision of broadband telecom-*
17 *munications service.*

18 “*(b) A franchising authority may require, as part of the*
19 *initial franchise request for proposals—*

20 “*(1) channel capacity for governmental access*
21 *purposes; and*

22 “*(2) the construction of cable system facilities or*
23 *provision of other cable-related equipment.*

1 “(c) A cable operator may offer, but may not be required
2 to provide, as part of basic service or any other tier of serv-
3 ice—

4 “(1) channel capacity for access uses; and

5 “(2) particular services.

6 “(d) The cable operator may replace or remove a partic-
7 ular service specified in the cable franchise as part of the
8 basic service or any other tier of cable service or telecommu-
9 nications service, or cable system facilities or cable related
10 equipment, in any case in which there has been a significant
11 change in circumstances since the cable operator’s offer to
12 provide such service, facilities, or equipment. The cable oper-
13 ator may not be required to retain a specified service in any
14 particular category of service other than basic service.

15 “(e) Except as provided in subsection (c) of this section,
16 a franchising authority may, in accordance with the provi-
17 sions of this section, enforce any offer to provide particular
18 basic service set forth in subsection (c) or particular cable
19 services or telecommunications services or cable system facili-
20 ties or cable-related equipment offered by a cable operator
21 provided that the provision of such services, facilities, or
22 equipment is specifically required by the franchise agree-
23 ment.

24 “(f) Notwithstanding the preceding provisions of this
25 section, in any case in which a franchise agreement in effect

1 *on the date of the enactment of the Cable Telecommunica-*
 2 *tions Act of 1983 requires the cable operator to provide par-*
 3 *ticular programing, services, facilities, cable related equip-*
 4 *ment, or channel capacity for access uses, such requirements,*
 5 *subject to subsections (d) and (e), shall remain in effect for*
 6 *the term of the franchise and in accordance with the provi-*
 7 *sions thereof.*

8 “NO REGULATION AS COMMON CARRIER

9 “SEC. 614. No executive agency of the United States,
 10 *including the Commission, and no State or political subdivi-*
 11 *sion or agency thereof, or franchising authority, shall have*
 12 *authority to impose on a cable system regulation as a*
 13 *common carrier or a utility to the extent that such cable*
 14 *system provides broadband telecommunications service other*
 15 *than basic telephone service.”.*

16 EXCLUSIVE JURISDICTION

17 SEC. 2. (a) *Except to the extent otherwise specifically*
 18 *provided in title VI of the Communications Act of 1934, as*
 19 *added by the first section of this Act and as provided in sec-*
 20 *tion 607 of such title, the Federal Government shall have*
 21 *exclusive jurisdiction over broadband telecommunications re-*
 22 *garding matters covered by such title.*

23 (b) *Any law of any State or political subdivision or*
 24 *agency thereof, or franchising authority, in effect on the effec-*
 25 *tive date of title VI of the Communications Act of 1934, as*

1 *added by the first section of this Act, which is in conflict with*
2 *the provision of subsection (a) of this section relating to the*
3 *exclusive jurisdiction of the Federal Government, shall be*
4 *deemed superseded, as of the expiration of the 6-month period*
5 *following the date of the enactment of this Act, and shall*
6 *thereafter be null and void and of no effect.*

7 (c) *Except to the extent otherwise provided by this Act*
8 *and the amendments made thereby, any State or political*
9 *subdivision or agency thereof, or franchising authority, may*
10 *exercise jurisdiction over matters which are of strictly local*
11 *concern and which are necessary for reasons of public health,*
12 *safety, and welfare, including the terms and conditions for*
13 *the granting of a franchise, the construction and operation of*
14 *a cable system, and the enforcement and administration of a*
15 *franchise.*

16 NEW AND ADDITIONAL SERVICES

17 SEC. 3. *Title I of the Communications Act of 1934 is*
18 *amended by inserting after section 6 the following new sec-*
19 *tion:*

20 “NEW AND ADDITIONAL SERVICES

21 “SEC. 7. (a) *Consistent with sound spectrum manage-*
22 *ment, the Commission shall, to the maximum feasible extent,*
23 *encourage the introduction of new and additional services by*
24 *new applicants, existing licensees, or other persons. In any*
25 *proceeding in which new or additional services are proposed,*

1 *such services shall be presumed to be in the public interest*
2 *whenever the Commission finds that such services are techni-*
3 *cally feasible without causing significant technical degrada-*
4 *tion to or interference with radio transmissions by other*
5 *licensees.*

6 “(b) *Any person may file with the Commission a peti-*
7 *tion to establish or an application to offer a new or additional*
8 *service.*

9 “(c) *The Commission must determine whether the new*
10 *or additional service proposed in a petition or application is*
11 *in the public interest within 1 year after such petition or*
12 *application is filed. If the Commission initiates its own pro-*
13 *ceeding for a new or additional service, such proceeding must*
14 *be completed within 12 months after it is initiated.”.*

15 *EFFECTIVE DATE*

16 *SEC. 4. The provisions of this Act and the amendments*
17 *made thereby shall take effect upon the date of enactment of*
18 *this Act.*

19 *REDESIGNATION*

20 *SEC. 5. The existing title VI of the Communications*
21 *Act of 1934 is redesignated as title VII, and sections 601*

47

1 *through 609 are redesignated as sections 701 through 709,*
2 *respectively.*

Calendar No. 106

98TH CONGRESS
1ST SESSION

S. 66

[Report No. 98-67]

A BILL

To amend the Communications Act of 1934.

APRIL 27 (legislative day, APRIL 26), 1983

Reported with an amendment